



Docket No: UNSYD 8709

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of:  
Johnston William McAvoy  
and Coral Gwenda Chamberlain

Examiner: Z. Fay

Group Art Unit: 1614

Serial No.: 08/648,092

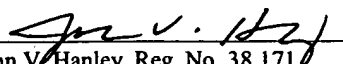
Filed: May 17, 1996

Title: A METHOD FOR PREVENTING  
OR CONTROLLING CATARACT

Date: August 6, 2002

**Certificate of Mailing Under 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on August 6, 2002.

  
John V. Hanley, Reg. No. 38,171

**RESPONSE**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This paper is in response to the Office action dated May 7, 2002.

**REMARKS**

In the outstanding Office action, pending claims 14-28 and 34-38 were rejected under 35 U.S.C. § 103 as being unpatentable over WO 94/01124. In rejecting the claims, the Examiner indicated that the WO 94/01124 patent teaches the use of the claimed transforming growth factor for the treatment of cataract. It is respectfully submitted, however, that WO 94/01124 actually teaches away from the subject matter claimed in the present application. WO 94/00124 discloses a method for the treatment of ophthalmic disorders which involves application of an effective amount of TGFβ to the affected region, whereas the method recited in the pending claims of the present application involve administering an effective amount of an inhibitor of TGFβ.

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Therefore, it is respectfully submitted that claims 14-28 and 34-38 are not obvious in view of WO 94/01124 and that they should be allowed over the cited art.

Applicant has attempted to completely respond to the outstanding Office action. In view of the above remarks, it is respectfully requested that the present application be allowed and passed to issue.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

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